

HONORABLE J. RICHARD CREATURA

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON AT TACOMA

TOUCHPOINT COMMUNICATIONS, LLC,
an Oregon limited liability company, d/b/a
WEO MEDIA, LLC,

Plaintiff,

v.

DENTALFONE, LLC, a Florida limited
liability company,

Defendant.

NO. 15-05240-JRC

STIPULATED MOTION AND ORDER RE
ADR, STAYING DISCOVERY AND
MODIFYING CASE SCHEDULING
DEADLINES

I. INTRODUCTION

For the good cause described below, the parties jointly seek an order for mediation within 30 days, for a stay of discovery pending completing of the mediation, and extension of certain case scheduling deadlines in this case.

II. STIPULATED MOTION

The parties bring this motion pursuant to Western District Local Civil Rule 16(c) and LCR 16(b)(4). LCR 16(c) provides:

As the case proceeds, if counsel for any party concludes that an ADR procedure would have a significant possibility of fostering an early and inexpensive resolution of the case, that counsel shall so advise the court and all other counsel in writing. Whenever possible, such reports shall be submitted jointly by counsel for all parties.

STIPULATED MOTION AND ORDER RE ADR,
STAYING DISCOVERY AND MODIFYING CASE
SCHEDULING DEADLINES - 1

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In late March, the Court issued Orders allowing Dentalphone's prior counsel to withdraw and allowing the Ana-Maria Popp and Gary C. Adler (appearing Pro Hac Vice) to substitute as counsel for Dentalphone.

Thereafter, on April 25, 2016, the Court granted the parties' stipulated motion to extend certain case deadlines, in part, in order to allow time for settlement discussions with new counsel. *Dkts. at 61, 62.* Trial in this matter is November 1, 2016.

Since the entry of this order, the parties have engaged in both discovery and in settlement discussions. Those discussions have resulted in a considerable narrowing of the issues for trial and brought the parties close to a settlement. Although direct negotiations have not yet led to a settlement, the parties' most-recent proposals were not far apart, and a mediation or settlement conference has a significant possibility of finally resolving this matter.

Accordingly, the parties jointly request that the Court order mediation of this matter within 30 days. The parties also request stay of discovery until mediation is concluded, as well as a 30-day extension of the discovery cutoff (currently August 5) and related deadlines in order to conserve resources and allow the parties to focus in the short term on settlement efforts.

Through this Stipulated Motion, the parties seek to modify the following case deadlines:

DEADLINE	CURRENT	PROPOSED
Last Date to File Motions Related to Discovery	July 6, 2016	August 8, 2016
Discovery Cutoff	August 5, 2016	September 6, 2016
Last Date to Amend the Pleadings	August 19, 2016	September 19, 2016
Last Date to File Dispositive Motions	September 6, 2016	October 6, 2016
Last Date to Complete Mediation	October 3, 2016	July 15, 2016

STIPULATED MOTION AND ORDER RE ADR,
STAYING DISCOVERY AND MODIFYING CASE
SCHEDULING DEADLINES - 2

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Accordingly and pursuant to LCR 16(c) and LCR 16(b)(4), the parties respectfully request the court 1) order mediation in this case within 30 days; 2) grant a brief stay of discovery until after completion of mediation; and 3) grant a 30 day extension of the above deadlines to allow the parties to complete mediation.

DATED this 9th day of June, 2016.

CAIRNCROSS & HEMPELMANN, P.S.

CLARK HILL PLC

/s/ Ana-Maria Popp

/s/ Gary C. Adler

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/s/ J. Curtis Edmondson, approval via email

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Communications, LLC

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STIPULATED MOTION AND ORDER RE ADR,
STAYING DISCOVERY AND MODIFYING CASE
SCHEDULING DEADLINES - 3

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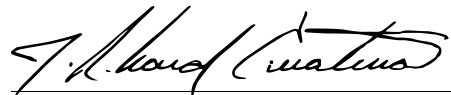
ORDER

Following a telephone conference with counsel and upon stipulation of the parties, and good cause appearing, the following deadlines are hereby modified to the dates shown below. The parties and the Court have agreed to extend the trial date by one month and trial is now set to begin on Thursday, December 1, 2016.

DEADLINE	CURRENT	AMENDED
Last Date to File Motions Related to Discovery	July 6, 2016	August 8, 2016
Discovery Cutoff	August 5, 2016	September 6, 2016
Last Date to Amend the Pleadings	August 19, 2016	September 19, 2016
Last Date to File Dispositive Motions	September 6, 2016	October 6, 2016
Last Date to Complete Mediation	October 3, 2016	July 15, 2016
7-Day Jury Trial	November 1, 2016	December 1, 2016

The Court further orders that the parties shall engage in mediation by no later than July 15, 2016. This matter is referred to the Honorable David W. Christel to conduct a judicial settlement conference with the parties. Counsel for the parties shall schedule the settlement conference directly with the U.S. Magistrate Judge. The Court further grants a stay of discovery in this case until after completion of mediation.

DATED this 10th day of June, 2016.



J. Richard Creatura
United States Magistrate Judge